



# Criminal Division

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**CHRISTOPHER A. WRAY**  
**ASSISTANT ATTORNEY GENERAL, CRIMINAL DIVISION**

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\*Mr. Wray frequently speaks from notes and may depart from the speech as prepared.

I'm glad to have a chance to speak with you again this year. Since we last met in New Orleans, the Strike Forces have racked up another year of outstanding achievements. From the trial of former Ukrainian prime minister Pavlo Lazarenko in San Francisco to the conviction of the past two presidents of the United Transportation Union in Houston, from the conviction of Bonanno boss Joey Massino in Brooklyn to the guilty verdict a couple weeks ago against Gambino capo Ronnie Trucchio in Fort Lauderdale, the Strike Forces have once again proved that when it comes to the art of making and winning big cases, there's no better group.

These and a ton of other Strike Force successes also provide continuing proof of the value of the long-term enterprise approach to investigation and prosecution, as exemplified by the Strike Forces, the FBI, and your other law enforcement partners. A lot of recent successes and great cases still in the pipeline are the product of years of complex, patient investigation by dedicated teams of agents and prosecutors. Big cases aren't born overnight, nor do they thrive in a climate that stresses only the instant gratification of high numbers of arrests and indictments.

One of the things I've really enjoyed about my job is the opportunity to see in action – and often, to meet with – all of the Department's various task forces, partnerships, networks, and so on, across all areas of criminal enforcement. As you'd imagine, there are an awful lot of them. And I'm always struck by the ones that, beyond their formal structure, have taken on the character of a sort of specialized community of prosecutors – folks who grapple with the same issues, exchange information, compare notes, help each other out, and respect and enjoy each other's company. Those are the “networks” that work the best; those are the ones it's often the most fun to join. Though the Strike Force prosecutors are comparatively few in number, your skills and unique ability to build and prosecute the toughest RICO cases make you one of the Department's most valuable resources.

Any institution built on a theory of patient, long-term effort doesn't change direction easily, and the Organized Crime Program is no exception. Over the years you've broadened your focus from the LCN to encompass new and evolving forms of organized crime. Recently, the Program has begun to

build an international capacity – the ability to look beyond our borders to fight transnational organized crime threats where they originate, a goal that can be achieved only through creative legal thinking and a lot of hard work with our foreign partners. Last year, I asked you to take an aggressive and strategic approach to reaching out and identifying the most serious organized crime groups threatening your district, and you’ve responded by seeking out new cases and new sources of information, beginning an essential transformation of the Program into one that keeps its long-term, organized crime focus but at the same time gets away from tunnel vision to be more agile, more capable of responding flexibly to new threats.

Today, I want to call your attention to a rapidly evolving organized crime threat that stalks much of our country, from some of the smallest towns to the biggest cities, and is spilling over our borders to and from Latin America, in an increasingly vicious cycle of violence. I’m talking about violent street gangs.

This is not an altogether new threat. Even as Strike Force attorneys worked in the 1970s, 80s, and 90s to successfully stem the tide of Mafia killings and dismantle their murderous crews, new and even more violent crime epidemics began to sweep through cities around the country. Fed by a lucrative trade in heroin, cocaine, and especially crack, violent street gangs took control of our inner cities and engaged in a rampage of bloodshed. To quote but one statistic, Chicago Police Superintendent Philip Cline estimates that over its entire eighty-five year history the LCN Family in Chicago, the Outfit, was responsible for some 1,100 murders. By comparison, Chicago street gangs racked up a higher body count than that, in excess of 1,200, over just a four-year period from 2000 to 2004.

That’s not to say that law enforcement stood idly by and watched this happen. The drug trade and the violence that came with it provoked one of the most massive law enforcement efforts in history. The War on Drugs, begun in the 80s, continues to consume enormous resources and dominate our prosecutorial, court and prison systems. In 2001, the Administration launched Project Safe Neighborhoods with the express purpose of prosecuting gun crimes and getting illegal guns off the streets. PSN is a truly

extraordinary success and continues to result in an impressive number of arrests and gun seizures.

But that focus on gun crime prosecutions has been distinct from the dogged pursuit of organized crime by the Strike Forces and their agency partners. Aside from motorcycle gangs and some large prison gangs, the Strike Forces have generally stayed away from drug, gun, and gang prosecutions. There are a number of reasons for this, but one of the most important was that prosecutions of gangs historically were radically different from organized crime prosecutions. Street gangs traditionally lacked the organization that both required and rewarded the patient, long-term approach of organized crime investigators and prosecutors. There was no point in spending years in developing sources, doing wiretaps, and flipping low level members against their bosses when the structures were largely opportunistic and confined mainly to young males falling within a relatively narrow age range.

While plenty of street gangs still fit this picture of gang activity, the bad news is that it's becoming increasingly inaccurate. An ominous number of gangs are growing by leaps and bounds, becoming, in the words of one police department, "the new organized crime."

First, in terms of sheer size, the National Youth Gang Center estimates that gang membership in 2002 exceeded 731,000 nationwide and that gangs exist in every city that has more than 250,000 inhabitants as well as a whole bunch of smaller communities. Even more troubling, a number of gangs like the Latin Kings, MS-13, 18<sup>th</sup> Street, Crips, Bloods, and Gangster Disciples have thousands of members each, operate in dozens of states, and display increasingly sophisticated internal structures. Their crimes extend beyond drugs and murder to street tax extortions, the sale of fraudulent identity documents, and money laundering through legitimate businesses. And some gangs, like MS-13, don't even bother with large-scale drug trafficking, skipping directly to the violent crimes and depriving law enforcement of a traditional set of anti-gang investigative and prosecutorial tools.

Gangs are evolving to resemble traditional organized crime in other ways, too. Like traditional organized crime, some of these gangs “own” corrupt cops and other officials who help provide cover for their criminal activities. In Washington last week, Chicago’s Police Superintendent warned that his department is finding that gang members are actually running for local office, and that membership in gangs is no longer restricted to teenagers and young adults but includes older, more mature individuals. By any measure, many of these gangs have clearly graduated from a transient, ephemeral presence to well-established, large-scale organizations. These guys have become sophisticated, cunning, well-organized, multi-disciplinary, and resourceful – while getting more and more vicious all the time.

A related and troubling development about at least some gangs is their growing international reach. We’re seeing gang members with connections to other countries increasingly travel to and from the United States, bringing contraband and new gang recruits with them. Their crimes aren’t confined to the U.S., though. Thousands of Latin American gang members have spread gang culture and expanded violent street gangs to places like El Salvador and Guatemala, to the extent that the stability of some of these countries is seriously threatened. Even the internet is becoming a vehicle for the spread of gang propaganda, as some street gangs have created elaborate web sites to brag about their exploits and recruit new members.

Add these developments to the well-documented fact that an overwhelming proportion of homicides and other violent crimes in our towns and cities are directly attributable to gang activity, and you’ve got a problem that cries out for national attention.

The Department is already acting. The AG and the Deputy have both stated that gangs are a national priority for the Department and called for steps to enhance the efficiency of our anti-gang efforts. Last week, the DAG convened a Gang Symposium at Main Justice, bringing together U.S. Attorneys, police chiefs and SACs, and other high-level officials of the FBI, ATF, DEA, Marshals, and Bureau of Prisons from ten different districts to share their experiences and strategies in the war against gangs. Jim has also directed the Department’s Strategic Management Council to form a

committee dedicated to reviewing the Department's anti-gang programs and coming up with ways to improve them.

On a more nuts and bolts level, you should have already heard at this conference how the FBI is moving aggressively to identify gangs as a prime criminal enterprise target and take them out. The FBI is revving up and planning to expand its network of Safe Streets Task Forces, and has gotten funding from Congress to create a National Gang Intelligence Center, which it hopes will enhance anti-gang efforts among all federal, state, and local agencies. The Director has also named Bob Clifford to head up the FBI's MS-13 National Gang Task Force, which has already boosted MS-13 investigations in California, New York, and Virginia with additional resources and will coordinate the FBI's national and international efforts to stamp out this particularly violent gang.

These FBI initiatives point to the main reason why I wanted to raise this topic with you today. In U.S. Attorney's Offices across the country, AUSAs are prosecuting more gun crimes than ever before under the Department's Project Safe Neighborhoods and Violent Crime Impact Team initiatives. To complement the work of these important and successful initiatives, we need to supplement those crucial reactive gun and drug cases with the enterprise approach perfected by the Organized Crime Program. I'm convinced that we need the enterprise approach to really deliver the finishing blow to a street gang's organization.

Bruce Ohr has described to me the experience of the Organized Crime Unit in SDNY back in the early 90s. They were primarily occupied at that time with trying to stop the LCN's ongoing Colombo War, and knew that this war, one of the LCN's bloodiest, had racked up approximately ten homicides. At the same time crack distribution gangs in Harlem and the Bronx were killing that many people every week. The office figured that the RICO prosecution model they were applying to the Colombos might work pretty well against gangs, too. After a lot of work, they managed to assemble teams from the NYPD, DEA, ATF and FBI to target the most violent gangs in the South Bronx and Harlem and pull together evidence against them for RICO prosecutions.

The strategy was a huge success. With the help of the Bronx DA's Office, the prosecutors began to take over state gun and drug cases against carefully selected targets. When the defendants were brought to federal court, NYPD detectives and federal agents would pitch them to cooperate. Without any wiretaps or large-scale undercovers, AUSAs managed to build enterprise gang cases against the worst gang leaders and shooters in some of New York's worst neighborhoods based almost entirely on the testimony of gang cooperators. Using the magic of RICO's enterprise evidentiary requirements, these cooperators testified in court to the whole range of their gangs' histories, corroborating each other and tying gang leaders and shooters inexorably to their crimes. Within only a couple of years these AUSAs had assembled, charged, and won a massive RICO case against the members and leadership of the Almighty Latin Kings Nation in New York. In one neighborhood after another, homicide and violent crime rates dropped dramatically after the federal gang takedowns, and the newspapers carried stories of little kids being let out of their homes for the first time in ages to play and learn to ride their bikes.

Of course, Manhattan's experience was not unique. Similar approaches were being tried at about the same time and were achieving notable successes in places like Boston, Washington, Brooklyn, LA, and elsewhere. In each city, prosecutors were able to capitalize on the strengths of the federal system to make big cases that the local prosecutors were often unable to do. These and other cities, most recently Chicago, serve as shining examples of how big a difference federal prosecutors can make in a relatively short time.

But when viewed from another angle, these examples only highlight how much more the Department can be doing in this area. I think of RICO as one of the most powerful tools a federal prosecutor has, and I had a great experience using it when I was a line AUSA, including at trial. But I've noticed that this terrific weapon is still not widely used against violent gangs. While an increasing number of gang-related RICOs are filed every year, the fact remains that over two-thirds of the U.S. Attorney's Offices have failed to file even one RICO count over the last two years, and a small handful of districts account for well over half of all RICOs that have been filed. These numbers point to a huge gap in knowledge of and experience with RICO in

most U.S. Attorney's Offices. Gang prosecutions are certainly not limited to RICO. But for the Department to maximize the impact of our dead-serious commitment to stopping gangs, broader use of the RICO statute has got to be a major element of that effort.

That's where we need you, the Strike Forces, to step up to the plate. In a lot of offices, you have the only attorneys who have ever read, much less prosecuted, a RICO case. You're the ones with the experience to confront a list of assorted crimes committed by assorted members and associates of an organization over a multi-year period and sort them into predicate acts and patterns of racketeering. You're the ones who know how to construct a body of enterprise evidence out of a mass of agent reports, documents, and cooperator testimony. You're the ones most likely to know what will pass muster in a RICO indictment, and how that indictment can be shepherded successfully through trial, sentencing and appeal. In short, in a lot of offices, you alone may be the only ones with the know-how to make enterprise gang cases work.

It's fair to ask, given your already heavy caseloads, how that experience can now be brought to bear on the problem of violent street gangs. The answer is: in several ways. Of course, the most direct way is for Strike Force attorneys to take on significant gang cases themselves, and today I'm asking every Strike Force to undertake a thorough evaluation of its cases, its available attorneys, and the magnitude of the local gang threat to determine whether and where this is possible. In some Strike Forces, especially where other forms of organized crime aren't very active, an honest evaluation may lead to the conclusion that certain street gangs in the district are themselves the most serious organized crime threat. If so, you need to find a way to take on gang cases and address the problem directly.

Needless to say, having the Strike Forces take on all the gang prosecutions in a district is not the only way to address the gang problem, nor am I asking the Strike Forces in any way to ignore the traditional and developing OC targets you've been pursuing all along. In some cities Strike Forces are fully engaged in battling an active LCN Family or Asian, Russian, or Balkan organized crime groups. I also know that in a lot of cities, other



parts of the U.S. Attorney's Office have already been given the express assignment to conduct gang prosecutions. The last thing I want is for you to go home and start arm wrestling with other supervisors in your offices. But, and this applies to every Strike Force, I am asking you to be open to the possibility of gang prosecutions in a way that you previously may have felt was not permitted or encouraged, and I am also asking you to look hard at other ways in which you can assist in a nationwide gang effort.

One of those ways is to share your RICO and big case experiences with other attorneys in the office. AUSAs in narcotics units, gun units, and even general crimes units are perfectly capable of building significant gang and even RICO prosecutions if given the right kind of help. As senior prosecutors in your offices, you and your Strike Force attorneys can partner up with AUSAs in these other units and help them through the process of making gang enterprise cases. Sit in on proffers of promising cooperators. Talk with the AUSAs and agents about their cases, how they could be framed as enterprises, what sorts of crimes would qualify as predicates. Initiate them into the mysteries of writing a RICO indictment and pros memo and getting it approved by DC. Walk them through relevant parts of the RICO manual and give advice on RICO motions. Serve as second seats in trials where these often more junior AUSAs may run into trouble with enterprise concepts, testimony, or jury instructions.

Another key role that you can play is to be an ambassador for your office and the Department – a liaison to other agencies trying to come to grips with the gang problem. If it hasn't been done before, it may take a while to find the appropriate state and local police officials in the best position to assign detectives to work on gang cases and to sell them on the virtues of federal enterprise prosecutions and the RICO statute. The FBI is of course already steeped in the enterprise theory of investigation, but agents from other federal agencies have also made these cases in the past, and all federal, state, and local law enforcement agencies can become enthusiastic partners if you walk them through how it can be done.

And keep in mind that you won't be selling the enterprise model for gang prosecutions all alone. I expect the Criminal Division to be full partners with you in this effort. For instance, we're establishing a team of experts from across the Division – including the Organized Crime and Racketeering Section, the Domestic Security Section, the Narcotics and Dangerous Drug Section, and OEO – who will be available to provide guidance, help you avoid reinventing the wheel, respond to requests for assistance, and serve as a liaison with other headquarters components on gang prosecutions to help you get things done or through them. In essence, you should view our team as a one-stop shopping service on gang prosecutions.

Another resource the Criminal Division will be offering is help with the increasingly international aspects of gang prosecutions. As I mentioned earlier, a big chunk of today's gang activity has international ramifications. In those kinds of cases, the Division's international experts are available to process extradition and MLAT requests. On a broader scale, our international gurus are exploring ways to work with our foreign partners in countries like Mexico, El Salvador, Honduras, and Guatemala to coordinate and share expertise and information on matters like gang investigations, intelligence, training, and gang suppression policies. Our goal is to facilitate international communication and cooperation to provide real-time solutions not only on a case-by-case basis, but also on a more comprehensive basis.

I want to wrap up by asking you to keep an open mind and be alert to opportunities where you sense that you and your Strike Force attorneys can make a difference. The current wave of gang violence is a terrible tragedy for our country. But it's also, quite frankly, an opportunity for the Strike Forces to show your stuff. This is the first violent organized crime problem to receive renewed attention from all levels of government since the 9/11 attacks. There is even the prospect, however uncertain, that additional resources may be made available to help address the issue. The FBI, as you've heard, is planning to grab this opportunity with both hands. But they can't do it alone. They and the rest of law enforcement need reliable, experienced federal prosecutors who can take these cases to their fullest potential. I have great confidence that this is a challenge that's right up our alley.